



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: TXT-36496 - APPLICANT/OWNER: CITY OF LAS VEGAS**

### \*\* CONDITIONS \*\*

**STAFF RECOMMENDATION:      APPROVAL**

1. Title 19.04.010 is hereby amended as follows:

#### 19.04.010      LAND USE TABLES

**Table 2 – Land Use Table  
Wholesale Distribution & Storage**

| USE                           | RESIDENTIAL  |     |     |     |     |      |     |     |     |     |      |       | COMMERCIAL |     |   |     |     | INDUSTRIAL |      |     |   |
|-------------------------------|--|-----|-----|-----|-----|------|-----|-----|-----|-----|------|-------|------------|-----|---|-----|-----|------------|------|-----|---|
| Outdoor Storage,<br>Accessory | U  | R-A | R-E | R-D | R-1 | R-CL | R-2 | R-3 | R-4 | R-5 | R-MH | R-MHP | P-R        | N-S | O | C-D | C-1 | C-2        | C-PB | C-M | M |
|                               |  |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     | C   | C          | C    | C   | C |
|                               | <p><b>Description:</b><br/>The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of <u>shipping containers</u>, materials and machinery or equipment, regardless of whether the <u>shipping containers</u>, materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. This use does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.</p> <p><b>Conditional Use Regulations:</b><br/>1. <u>Except in C-M and M Zoning Districts, the use shall be ancillary to a primary use.</u><br/>2. <u>Storage shall not be permitted within required setbacks, <u>landscape areas</u> or buffer yards.</u><br/>23. Except as otherwise provided in this Title or as specifically allowed in connection with the approval of a Special Use Permit:<br/>a. Outside storage areas that are not screened by an intervening building shall be screened from view from any public street by a screening device at least 8 feet in height.<br/>b. Outside storage areas shall be screened from view of any adjoining property by a screening device at least 8 feet in height, except along adjacent property lines of property zoned C-M or M.<br/>3. <u>Except as otherwise provided in this Title, in the C-2 and C-M Zoning Districts, storage shall be limited to no more than 5 percent of the lot area containing the principal use.</u><br/>4. <u>In the C-2 Zoning District, incidental items that are normally associated with operations allowed as a matter of right are not required to be screened from view. <u>No stacking of shipping containers shall be allowed.</u></u><br/>5. In the C-1 Zoning District, the only items allowable as accessory outdoor storage are live nursery products, which must be screened from view of adjacent properties and right-of-way by means of screening that is architecturally consistent with the principal building in terms of materials, colors and details.</p> <p><b>On-site Parking Requirement:</b> No additional parking required beyond that which is required for the principal use(s) on the site.</p> |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |            |      |     |   |

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2. Title 19.20.020 is hereby amended as follows:

**Outdoor Storage, Accessory.** The use of a ~~significant~~ portion of a lot or area for the long term retention (more than twenty-four hours) of shipping containers, materials and machinery or equipment, regardless of whether the shipping containers, materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request to amend Table 2 of Title 19.04.010 and Title 19.20 to revise the use title, description, Conditional Use Regulations, and definition for the Outside Storage, Accessory use.

**BACKGROUND INFORMATION**

Under existing use standards the Outdoor Storage, Accessory use is conditionally permitted in the C-1 (Limited Commercial), C-2 (General Commercial), C-PB (Planned Business Park), C-M (Commercial/Industrial) and M (Industrial) zoning districts. Outdoor Storage, Accessory is defined as the use of a significant portion of a lot or area for the long term retention (more than twenty-four hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

Conditional Use Regulations require the following standards be met:

1. Storage shall not be permitted within required setbacks or buffer yards.
2. Except as otherwise provided in this Title or as specifically allowed in connection with the approval of a Special Use Permit:
  - a. Outside storage areas that are not screened by an intervening building shall be screened from view from any public street by a screening device at least 8 feet in height.
  - b. Outside storage areas shall be screened from view of any adjoining property by a screening device at least 8 feet in height, except along adjacent property lines of property zoned C-M or M.
3. Except as otherwise provided in this Title, in the C-2 and C-M Zoning Districts, storage shall be limited to no more than 5 percent of the lot area containing the principal use.
4. In the C-2 Zoning District, incidental items that are normally associated with operations allowed as a matter of right are not required to be screened from view.
5. In the C-1 Zoning District, the only items allowable as accessory outdoor storage are live nursery products, which must be screened from view of adjacent properties and right-of-way by means of screening that is architecturally consistent with the principal building in terms of materials, colors and details.

An applicant may request a deviation of the these requirements via the Special Use Permit process if they can demonstrate to the satisfaction of the City Council that the use can still be

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performed in a manner that is harmonious and compatible with surrounding present and future land uses; that the site is physically suitable and adequate access for the use exists; and that the approval would not be inconsistent with or compromise the public health, safety, or welfare objectives of the General Plan.

**ANALYSIS**

The proposed modification to the title, description and definition of the Outdoor Storage, Accessory use are relatively minor. The change in title will remove the term “accessory” and identify this use more generally as “Outdoor Storage”. The changes in the description and definition will remove the word “significant”, as the activity need not be as substantial as this word implies and will add “shipping container” as one of the items identified as outdoor storage.

The amendment also proposes to make revisions to the conditional regulations that apply to the outdoor storage activity as follows:

- Adds a condition that requires that the activity be ancillary to a principle use in the C-1 (Limited Commercial), C-2 (General Commercial), and C-PB (Planned Business Park) Districts;
- Adds landscape areas to the listed areas the storage is not permitted;
- Adds a condition to keep shipping containers from being stacked on top of one another;
- Deletes the condition that limited the use to five percent of the area in C-2 (General Commercial) and C-M (Commercial/Industrial) Districts; and
- Deletes the condition exempting C-2 (General Commercial) properties from meeting screening requirements for incidental items.

The proposed changes will make it clear that outside storage can be a principle activity in higher intensity areas intended for light industry and research. Additionally, the inclusion of shipping containers in the description and definition will make it clear that storing shipping containers is considered as an outdoor storage activity and therefore subject to the Outdoor Storage use’s Conditional Use Regulations. Finally, the regulations proposed for deletion seem to be inconsistent with the intention of this use and with their removal the conditions will be clearer and more straightforward. For these reasons staff recommends approval of this amendment.

**FINDINGS**

The proposed text amendment will accomplish the following:

- Clarify the intention of the use and provide a clearer list of expectations.
- Make it clear that storage of shipping containers is a function of the Outdoor Storage use and as such is limited to the indicated districts and is required to meet the regulations established for the use.

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The following table summarizes all proposed changes:

| <b>Code Requirements</b>  | <b>Existing Regulations</b>   | <b>Proposed Regulations</b>   |
|---|---|---|
| Title 19.04.010<br>Land Use Tables –<br>Outdoor Storage,<br>Accessory | <ul style="list-style-type: none"> <li>• Use title is Outdoor Storage, Accessory</li> <li>• Description and conditions makes no reference to shipping containers</li> <li>• Use description indicates the use as using a “significant” portion of land</li> <li>• Only setbacks and buffer areas are indicated for no storage</li> <li>• Limits storage area to 5% of area in a C-2 or C-M property</li> <li>• Allow incidental items stored outdoors to not be screened in a C-2 district</li> </ul> | <ul style="list-style-type: none"> <li>• Use title changed to Outdoor Storage</li> <li>• Adds shipping container to the use description and includes a condition to allow no stacking</li> <li>• Removes the word “significant” from the use description</li> <li>• Adds landscape areas to the areas indicated for no storage</li> <li>• Deletes the condition limiting the area allowed for the use in C-2 and C-M</li> <li>• Deletes the condition allowing an exception from screening requirements in the C-2 zoning district</li> </ul> |
| Title 19.20.020<br>Definitions – Words and<br>Terms Defined           | <ul style="list-style-type: none"> <li>• Term is Outdoor Storage, Accessory</li> <li>• Definition makes no reference to shipping containers</li> <li>• Definition indicates the use as using a “significant” portion of land</li> </ul>   | <ul style="list-style-type: none"> <li>• Term changed to Outdoor Storage</li> <li>• Adds shipping container to the definition</li> <li>• Removes the word “significant” from the definition</li> </ul>  |

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**NOTICES MAILED**

NEWSPAPER ONLY

**APPROVALS**

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**PROTESTS**

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